

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DARREN CUFF,

Plaintiff,

v.

TRANS STATES HOLDINGS, INC.,  
TRANS STATES AIRLINES, GOJET  
AIRLINES, and ED TROWBRIDGE,  
individually,

Defendants.

Judge Leinenweber  
Magistrate Judge Cole

No. 10 CV 01349

**PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

NOW COMES Plaintiff Darren Cuff (“Cuff”), by and through his attorneys, Caffarelli & Siegel Ltd., and pursuant to Federal Rule of Civil Procedure 56(a), respectfully moves this Honorable Court to grant his Motion for Summary Judgment against all Defendants on Count I of his Complaint – FMLA Interference. In support of this Motion, Cuff also submits his Memorandum of Law, his Local Rule 56.1(a)(3) Statement of Undisputed Material Facts, and supporting evidentiary materials, which are separately filed, and further states:

1. Cuff, a former employee who was certified by his physician to take a four-week leave of absence under the Family and Medical Leave Act (“FMLA” or “Act”) due to complications of Crohn’s Disease and Bipolar Disorder, brings a two-count complaint alleging that Defendants violated the FMLA by both interfering with Cuff’s substantive FMLA rights and also by retaliating against Cuff for asserting his FMLA rights.

2. Summary judgment in favor of Cuff is warranted on Count I – FMLA Interference – because the undisputed facts show that Defendants denied Cuff benefits to which he was entitled. Notwithstanding the Defendants’ decision to deny his request for FMLA leave,

Cuff subsequently took his FMLA leave because he could not continue working without seriously jeopardizing his health. He was then terminated by the Defendants.

3. Defendants admit that they denied Cuff's request for FMLA leave on the sole basis that they did not believe that they are subject to the FMLA as a matter of law. Defendants claimed that Cuff was employed by Trans States Airlines only, which does not have the requisite number of employees in Chicago to subject it to the FMLA's requirements. However, summary judgment in favor of Cuff is warranted because the undisputed facts show that the three corporate Defendants are integrated (or alternatively joint) employers, as a matter of law. As integrated or joint employers, the corporate Defendants are subject to the FMLA. Mr. Trowbridge is also liable because the FMLA provides for individual liability.

4. As set forth in Cuff's accompanying Memorandum of Law, Local Rule 56.1(a)(3) Statement of Undisputed Material Facts, and supporting evidentiary materials, there are no disputed issues of material fact; therefore Cuff is entitled to judgment as a matter of law.

WHEREFORE, Plaintiff Darren Cuff respectfully requests that this Honorable Court grant his Motion for Summary Judgment and schedule a trial for purposes of resolving any remaining material issues, including damages.

Dated: April 8, 2011

Respectfully submitted,

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DARREN CUFF

By: /s/ Bradley Manewith  
Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that he caused a copy of the attached, **Plaintiff's Motion for Summary Judgment and Memorandum of Law**, to be served upon the party below by electronically filing with the Clerk of the U.S. District Court of the Northern District of Illinois on April 8, 2011.

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A courtesy copy was delivered to the chambers of Judge Leinenweber via hand delivery within one business day of e-filing.

/s/ Bradley Manewith  
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